



Senate

General Assembly

January Session, 2015

File No. 431

Senate Bill No. 509

Senate, April 2, 2015

The Committee on Transportation reported through SEN. MAYNARD of the 18th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE TOWING OF REPOSSESSED CARS,
AND NOTICES REQUIRED FOR TOW ZONES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-145 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) (1) An owner or lessee of private property, or his agent, may
4 remove or cause to be removed any motor vehicle left without
5 authorization on such property in accordance with the provisions of
6 this section and sections 14-145a to 14-145c, inclusive, as amended by
7 this act.

8 (2) A lending institution may repossess any motor vehicle, in
9 accordance with the provisions of section 36a-785, as amended by this
10 act, by contracting with a wrecker licensed under section 14-66 to tow
11 or otherwise remove such motor vehicle in accordance with the
12 provisions of this section and sections 14-145a to 14-145c, inclusive, as
13 amended by this act.

14 (3) This section shall not apply to law enforcement, fire-fighting,
15 rescue, ambulance or emergency vehicles which are marked as such, or
16 to the removal of motor vehicles from property leased by any
17 governmental agency.

18 (b) (1) When [such] an unauthorized or repossessed motor vehicle is
19 towed or otherwise removed by a wrecker licensed under section 14-
20 66, the licensee or operator of the wrecker shall notify the local police
21 department of the tow or removal within two hours. Such notification
22 shall be submitted, in writing, or transmitted by facsimile or electronic
23 mail and the record of such notification shall be retained by such
24 licensee in accordance with the provisions of section 14-66b, as
25 amended by this act.

26 (2) The local police department shall, not later than forty-eight hours
27 after receiving [such] notification of a tow or removal of an
28 unauthorized motor vehicle pursuant to subdivision (1) of subsection
29 (a) of this section, enter the vehicle identification number into the
30 National Crime Information Center database and the Connecticut On-
31 Line Law Enforcement Communications Teleprocessing System to
32 determine whether such motor vehicle has been reported as stolen. If
33 such motor vehicle has been reported as stolen, the local police
34 department shall immediately notify the department that reported the
35 vehicle as stolen.

36 (3) No such licensee or operator may charge a storage fee for [such]
37 an unauthorized or repossessed motor vehicle for the time it is stored
38 prior to notification of the local police department by the licensee or
39 operator. If such motor vehicle is not claimed within forty-eight hours,
40 the licensee or operator of the wrecker or of the garage where such
41 motor vehicle is stored shall immediately complete a notice of such
42 tow, on a form prescribed by the commissioner, and mail a copy of
43 such form by certified mail, return receipt requested, to the owner and
44 all lienholders of record. If the motor vehicle is not claimed by its
45 owner within the time periods specified in subsection (e) of section 14-
46 150, the licensee or operator of the wrecker or of the garage where such

47 motor vehicle is stored may dispose of it in accordance with the
48 provisions of subsection (e) and subsections (g) to (i), inclusive, of
49 section 14-150.

50 (c) The commissioner may adopt regulations, in accordance with the
51 provisions of chapter 54, (1) specifying the circumstances under which
52 title to any motor vehicle towed or stored, or both, under this section
53 may be transferred to any person, firm or corporation towing or
54 storing such vehicle, and (2) establishing the procedure whereby such
55 person, firm or corporation may obtain title to such motor vehicle.

56 (d) Any person who violates any provision of this section shall, for a
57 first offense, be deemed to have committed an infraction and be fined
58 fifty dollars, and, for each subsequent offense, shall be fined not less
59 than fifty dollars and not more than one hundred dollars or
60 imprisoned not more than thirty days or be both fined and imprisoned.

61 Sec. 2. Section 14-145a of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective October 1, 2015*):

63 (a) No vehicle shall be towed or removed from private property
64 except (1) upon express instruction of the owner or lessee, or his or her
65 agent, of the property upon which the vehicle is trespassing, or (2) for
66 the purpose of repossession of the motor vehicle by a lending
67 institution. Nothing in this subsection shall be construed to limit the
68 right of a municipality or the state to remove an abandoned motor
69 vehicle in accordance with the provisions of section 14-150.

70 (b) No person or firm [which] that tows or removes a motor vehicle
71 from private property shall rebate or pay any money or other valuable
72 consideration to the owner or lessee, or his or her agent, of the
73 property from which the vehicle is towed or removed, or to a lending
74 institution, for the privilege of towing or removing [that] such vehicle.

75 Sec. 3. Section 14-145b of the general statutes is repealed and the
76 following is substituted in lieu thereof (*Effective October 1, 2015*):

77 (a) Any vehicle towed or removed from private property, or towed

78 or removed pursuant to a repossession by a lending institution,
79 pursuant to sections 14-145 to 14-145c, inclusive, as amended by this
80 act, shall be stored at the site of the towing company's business in a
81 secured storage lot. The site shall be open during the hours of 8:00 a.m.
82 to 5:00 p.m., Monday through Friday, and be reasonably available on
83 Saturday, Sunday and holidays, for the purpose of vehicle redemption.

84 (b) When a vehicle has been towed or removed pursuant to sections
85 14-145 to 14-145c, inclusive, as amended by this act, it shall be released
86 to its owner, the lending institution or a person authorized by the
87 owner or lending institution to regain possession, upon demand,
88 provided the demand is made between the hours of 8:00 a.m. and 5:00
89 p.m., Monday through Friday or at a reasonable time on Saturday,
90 Sunday or holidays and the owner, lending institution or authorized
91 person presents proof of registration and pays the costs of towing or
92 removal and of storage. Any vehicle owner, lending institution or
93 agent of the owner or lending institution, shall have the right to inspect
94 the vehicle before accepting its return. No general release of any kind
95 [which] that would release the person or firm towing or removing or
96 storing the vehicle from liability for damages or from liability for any
97 claim that the vehicle was towed without justification may be required
98 from any vehicle owner, lending institution or agent of the owner or
99 lending institution, as a condition of release of the vehicle. A receipt
100 showing the name of the person or firm towing or removing the
101 vehicle and an itemization of the charges shall be provided to the
102 person paying the towing or removal and storage costs at the time of
103 payment.

104 Sec. 4. Section 14-145c of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective October 1, 2015*):

106 Whenever an owner or lessee of private property, or his agent, or a
107 lending institution improperly causes a motor vehicle to be towed or
108 removed from such property, the owner or lessee of the property or
109 the lending institution shall be liable to the owner of the vehicle for the
110 costs of towing or removal and of storage of the vehicle and for

111 reasonable attorney's fees and court costs, if applicable.

112 Sec. 5. Section 14-66b of the general statutes is repealed and the
113 following is substituted in lieu thereof (*Effective October 1, 2015*):

114 Each owner of a wrecker registered pursuant to subsection (c) of
115 section 14-66 shall keep and maintain a record stating the following
116 information: (1) The registration number of each motor vehicle towed
117 or transported and the registration number of each wrecker used to
118 tow or transport such motor vehicle; (2) the date and time the tow
119 commenced and was completed; (3) the location from which the
120 disabled motor vehicle was towed and the destination of such tow; (4)
121 the mileage of the wrecker at the commencement and completion of
122 the tow; (5) the charge for tow service and any other charges incurred
123 for services related to such tow; (6) the name and address of the person
124 requesting tow service; and (7) any other information the
125 commissioner deems necessary, specified in regulations adopted in
126 accordance with the provisions of chapter 54. Such records shall be
127 retained at the place of business of the wrecker service for a period of
128 two years and shall be available for inspection during regular business
129 hours by any law enforcement officer or inspector designated by the
130 Commissioner of Motor Vehicles. Each owner of a wrecker shall also
131 keep and maintain copies of any written contracts with owners or
132 lessees of property authorizing the towing or removal of motor
133 vehicles from the property of such owner or lessee, or with lending
134 institutions repossessing any motor vehicles, as provided in section 14-
135 145, as amended by this act, and such contracts shall be available for
136 inspection by motor vehicle owners, or agents of the owners, or
137 lending institutions, upon request. The Commissioner of Motor
138 Vehicles may permit any licensed motor vehicle dealer who operates a
139 wrecker service to maintain, in an electronic format prescribed by the
140 commissioner, all records, documents and forms required by the
141 Department of Motor Vehicles. Such records, documents and forms
142 shall be produced in written format, upon request by the department,
143 during the licensee's business hours on the same day of such request.
144 Any person who violates any provision of this section shall be deemed

145 to have committed an infraction.

146 Sec. 6. Subsection (a) of section 36a-785 of the general statutes is
147 repealed and the following is substituted in lieu thereof (*Effective*
148 *October 1, 2015*):

149 (a) When the retail buyer is in default in the payment of any sum
150 due under the retail installment contract or installment loan contract,
151 or in the performance of any other condition that such contract
152 requires him to perform, or in the performance of any promise, the
153 breach of which is by such contract expressly made a ground for the
154 retaking of the goods, the holder of the contract may retake possession
155 thereof, provided the filing of a petition in bankruptcy under 11 USC
156 Chapter 7 by a retail buyer of a motor vehicle, or such retail buyer's
157 status as a debtor in bankruptcy, shall not be considered a default of a
158 retail installment contract or ground for repossession of such motor
159 vehicle. Unless the goods can be retaken without breach of the peace, it
160 shall be retaken by legal process, but nothing herein contained shall be
161 construed to authorize a violation of the criminal law. In the case of
162 repossession of any motor vehicle without the knowledge of the retail
163 buyer, the local police department shall be notified of such
164 repossession [immediately thereafter] within two hours. In the absence
165 of a local police department or if the local police department cannot be
166 reached for notification, the state police shall be promptly notified of
167 such repossession.

168 Sec. 7. Subsection (a) of section 4b-13 of the general statutes is
169 repealed and the following is substituted in lieu thereof (*Effective*
170 *October 1, 2015*):

171 (a) The Commissioner of Administrative Services may establish
172 policies and procedures for the maintenance of order on and the use of
173 parking areas on any property owned by the state or under the
174 supervision of said commissioner, except as provided in sections 2-
175 71h, 10a-79, 10a-92 and 10a-139 and except for properties under the
176 supervision, care and control of the Chief Court Administrator. Any
177 person violating any such policy or procedure shall be fined not more

178 than seventy-five dollars and the vehicle in violation of such policy or
 179 procedure may be towed, provided there is signage giving adequate
 180 notice of such towing. The enforcement of any such policy or
 181 procedure shall be by special policemen appointed under section 29-18
 182 and by Department of Administrative Services buildings and grounds
 183 patrol officers, except that only such special policemen may tow, or
 184 cause the towing of, such vehicles.

185 Sec. 8. Subparagraph (B) of subdivision (7) of subsection (c) of
 186 section 7-148 of the general statutes is repealed and the following is
 187 substituted in lieu thereof (*Effective October 1, 2015*):

188 (B) (i) Regulate and prohibit, in a manner not inconsistent with the
 189 general statutes, traffic, the operation of vehicles on streets and
 190 highways, off-street parking and on-street residential neighborhood
 191 parking areas in which on-street parking is limited to residents of a
 192 given neighborhood, as determined by the municipality;

193 (ii) Regulate the speed of vehicles, subject to the provisions of the
 194 general statutes relating to the regulation of the speed of motor
 195 vehicles and of animals, and the driving or leading of animals through
 196 the streets;

197 (iii) Require that adequate signage be prominently posted in any
 198 area where motor vehicles may be subject to towing;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	14-145
Sec. 2	<i>October 1, 2015</i>	14-145a
Sec. 3	<i>October 1, 2015</i>	14-145b
Sec. 4	<i>October 1, 2015</i>	14-145c
Sec. 5	<i>October 1, 2015</i>	14-66b
Sec. 6	<i>October 1, 2015</i>	36a-785(a)
Sec. 7	<i>October 1, 2015</i>	4b-13(a)
Sec. 8	<i>October 1, 2015</i>	7-148(c)(7)(B)

TRA *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which makes changes to laws regarding the repossession and towing of vehicles by private businesses, has no fiscal impact to the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 509*****AN ACT CONCERNING THE TOWING OF REPOSSESSED CARS,
AND NOTICES REQUIRED FOR TOW ZONES.*****SUMMARY:**

This bill expressly permits a lending institution to repossess a vehicle by contracting with a licensed wrecker to tow it. Lending institutions that do so must, among other things, provide to the buyer adequate notice of their intent to repossess the vehicle in accordance with the law (CGS § 36a-785).

The bill applies provisions related to towing unauthorized vehicles from private property to those repossessed by towing. Specifically, it:

1. allows repossessed vehicles to be released to the lending institution according to the law;
2. prohibits a wrecker that repossesses a vehicle from paying a lending institution for the privilege of towing the vehicle; and
3. prohibits the wrecker from charging a storage fee for the repossessed vehicle until it has notified the police in accordance with the bill.

Under the bill, the local police department does not have to enter a repossessed vehicle's identification number into certain databases to determine if it was stolen, which existing law requires for other towed vehicles.

Under current law, the local police department must be notified immediately if a vehicle is repossessed, by towing or otherwise, without the buyer's knowledge. The bill instead specifies that the local police department must be notified within two hours of the

repossession.

Under current law, a vehicle may be towed from a state parking lot if it violates the Department of Administrative Services' state parking lot policies and procedures. The bill only allows for the vehicle to be towed in such situations if there is signage posted that gives adequate notice of such towing. It also gives municipalities the authority to require that adequate signage be placed in any area where a vehicle could be subject to towing.

EFFECTIVE DATE: October 1, 2015

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 28 Nay 3 (03/18/2015)